

**DELEGATION OF AUTHORITY
SAFE DRINKING WATER ACT (SDWA)**

Civil Judicial Enforcement Actions, Including Collection Actions

1. AUTHORITY.

- a. To cause civil judicial actions to be commenced or to intervene in suits commenced pursuant to the Safe Drinking Water Act;
- b. To request the Attorney General to appear and represent the agency in any civil enforcement actions instituted under SDWA, including actions to collect unpaid penalties;
- c. To request the AG to decline to prosecute a previously referred civil judicial action or cease prosecution of a previously filed civil judicial action;
- d. [This authority is not redelegated]
- e. To appear and represent the agency in any SDWA action where the AG has refused or failed to appear and represent the agency, exclusive of appeals;
- f. [This authority is not redelegated]
- g. [This authority is not redelegated]

2. TO WHOM REDELEGATED.

- a. The authorities in 1.a. – 1.c. are redelegated to:
 - i. The Director, Water Division, or equivalent.
 - ii. The Director, Enforcement and Compliance Assurance Division, or equivalent.
 - iii. The Regional Counsel, Office of Regional Counsel, or equivalent.
- b. The authority in 1.e. is redelegated to the Regional Counsel, Office of Regional Counsel, or equivalent.

3. LIMITATIONS.

- a. The regional administrator or division director must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising the authorities in 1.a. – 1.c. The regional counsel, or equivalent, may waive concurrence in writing.
- b. The OECA AA must notify the regional administrator, division director, or regional counsel prior to exercising the authorities in 1.a. – 1.d. and the authority to request or initiate an appeal in 1.f. – 1.g.
- c. The regional administrator, division director, or regional counsel must notify the OECA AA prior to exercising the authorities in 1.a. and 1.c. and when exercising the authority in 1.b. The OECA AA may waive the requirement for notification in writing.

4. REDELEGATION AUTHORITY.

- a. The authorities in 1.a. – 1.c. may be redelegated to the branch chief level, or equivalent, and no further.
- b. The authority in 1.e. to represent the agency may be redelegated to the staff attorneys,

- and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSION.** This delegation supersedes R10 9-16-A (06/26/2017) and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
- a. Memorandum of Understanding between the agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).
 - b. Direct referral agreement memorialized in letter of September 29, 1983, from Alvin L. Alm, Deputy Administrator, to F. Henry Habicht, Assistant AG, regarding direct referrals; Sections 1414, 1423, 1431 and 1450(f) of SDWA.
 - c. For referrals of requests for emergency SDWA Temporary Restraining Orders, see chapter 9 Delegation entitled "Emergency TRO's."
 - d. EPA Delegation 9-16-A.

APR 15 2019
Date


Chris Hladick
Regional Administrator